

**THE INDIANA CIVIL RIGHTS COMMISSION
311 West Washington Street
Indianapolis, Indiana 46204**

**STATE OF INDIANA)
) SS
COUNTY OF MARION)**

**DAVID SAGERS,
Complainant,**

**DOCKET NO. 08294
EEOC NO. 053770542**

vs.

**BEDFORD GLASS AND AUTO PARTS, A
DIVISION OF SEYMOUR GLASS AND AUTO
PARTS INC.,
Respondent.**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On November 14, 1980, Kenneth W. Maher, Hearing Officer in the above cause, entered his recommendation. No party has filed objections to that recommendation within the ten (10) day period prescribed by IC 4-22-1-12 and 910 IAC 1-12-1(B).

Being duly advised in the premises, the Commission hereby adopts as its final Findings of Fact, Conclusions of Law, and Order those recommended in the Hearing Officer's Recommended Findings of Fact, Conclusions of Law, and Order, which is attached hereto and incorporated by reference herein.

Dated: December 19, 1980

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 Complainant,**

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**BEDFORD GLASS AND AUTO PARTS, A
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PARTS INC.,
 Respondent.**

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Comes now Respondent, by counsel, and files his Second Motion To Dismiss,
which Motion is in the following words and figures:

(H.I.)

And comes now Complainant, by counsel, and files his Reply to Respondent's
Second Motion to Dismiss, which Reply is in the following words and figures:

(H.I.)

And comes now Kenneth W. Maher, Hearing Officer, having considered the
above and the official record in this cause, and being duly advised in the premises,
hereby recommends the entry of the following Findings of Fact, Conclusions of Law and
Order.

FINDINGS OF FACT

1. Complainant David Sagers (hereinafter "Sagers") filed the complaint in this cause on October 6, 1976.
2. Sagers is a male.
3. Sagers alleged that he was discriminated against because of his sex when Respondent terminated his employment because of his refusal to shave his beard.
4. Sagers also stated in his complaint that he and other employees were given advanced notice that if they were not clean-shaven by September 7, 1976, they would be discharged. According to Sagers complaint, the other employees with beards shaved and remained employed; Sagers did not shave his beard and was discharged on September 7, 1976.
5. Any Conclusion of Law which should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. The wearing of a beard is neither an immutable characteristic nor a fundamental right. *Indiana Civil Rights Commission , et. al., v Sutherland Lumber Company*, ____Ind. App. ____, 394 N.E. 2d 989 (1979) petition for transfer denied September 29, 1980 No. 3-378A53.
2. The enforcement of a grooming standard which does not discriminate on the basis of an immutable characteristic or in violation of fundamental right is not a type of discrimination which the Legislature intended to proscribe. *Indiana Civil Rights Commission, et. al., v. Sutherland Lumber Company, Supra.*
3. Sager's complaint fails to state a claim upon which relief can be granted under the Indiana Civil Rights Law, IC 22-9-1-1 *et seq.*, in that it fails to allege any facts or statement of particulars of any practice of the type of discrimination which the Legislature intended to proscribe.

4. The Indiana Civil Rights Commission is without jurisdiction over complaints which fail to allege a violation of the Indiana Civil Rights Law.

ORDER

The complaint of Complainant, David L. Sagers shall be dismissed for the reasons aforestated.

Dated: November 14, 1980